

APPEAL

RE: Appeal of Denial of Internet Access Services for Trenton Special School District

Date: September 11, 2012

Funding Commitment Report Dated: 8/28/12
Applicant Name: Trenton Special School Dist
Form 471 Application Number: 873251
Billed Entity Number: 128492
Billed Entity FCC RN: 0007626591
SPIN: 143028153
Funding Request Number: 2382491
Funding Year: 2012

Appeal Request: Internet Access Service has been denied for Trenton Special School Dist. We wish to appeal this denial due to special circumstances as detailed below. In addition, we appeal this decision based on the attached FCC Decisions for Imagine College Preparatory High School St. Louis Missouri (File Nos. SLD-752453, et. al.), Bishop Perry Middle School (File Nos. SLD-487170, et al.) and Academy for Academic Excellence Apply Valley, California (File Nos. SLD-539076, 539722, et al.).

The Funding Commitment Letter for Funding Year 2012 explanation states:

"This FRN is denied because the Item 21 Attachment was not received on or before the filing deadline. The Item 21 Attachment is an FCC form 471 Window filing requirement. Your Item 21 Attachment was received after the filing deadline. FCC Forms 471 with Item 21 Attachments that met the FCC Form 471 Window requirements have funding priority over applications received after the filing deadline. Given that funding demand for FCC Forms 471 filed within the window exceeds the amount available for commitment, we cannot consider this FRN for funding."

Applicant Explanation:

Trenton Special School Dist is a small three school district serving approximately 1400 K-12 grade students. Erate funding received by Trenton Special School Dist is essential to providing internet access service to our students. Below is information we request be considered in evaluating this appeal:

- Trenton Special School Dist is a small school district with a few personnel over filing erate information and technology issues. The Item 21 Attachment for Form 471 Application Number 873251 was entered on line on 3/20/12 along with all our other Item 21 Attachments. A copy of the original Item 21 Attachment is included with this response.
- We never received notification from the USAC that the Item 21 Attachment had not been received until we received our PIA questions on 6/8/12. In the Bishop Perry Order, the FCC held that "the Applicants shall have 15 calendar days from the date of receipt of notice in writing by the USAC to amend or refile their FCC Form 470, FCC Form 471 or associated certifications."
- The denial was based on a procedural processing error, not a substantive program rule. In the Bishop Perry Order, the FCC held that "complete rejection of these applications is not warranted, given that the violation at issue is procedural, not substantive."

Relief Requested

We respectfully request that USAC accept the enclosed Item 21. The information in this appeal should be allowed to correct/supplement the file and reverse the denial.

In addition, the denial was based on a procedural error, not a failure to adhere to a core program requirement or a misuse of funds. As the Commission has found in the above referenced cases, given that this denial "was procedural, not substantive, we find that the complete rejection of these applications is not warranted."

We would like the opportunity to provide any additional information the SLD may need related to this application and request this opportunity as this funding is essential to providing internet access services for our school district.

In addition to the above, we are also available to provide any additional clarification needed. I look forward to your resolution of this appeal and am available to answer any other questions you may have. Thank you for your assistance.

Sincerely,



Sandra Harper
Director
201 W. 10th ST
Trenton, TN 38382
731-855-1191
harpers01@k12tn.net

Contact Information:

Jon Michael Lee
Technology
201 W. 10th ST
Trenton, TN 38382
731-855-1191
leejm@k12tn.net